

REMARKS

Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claim 47 has been amended in this paper. Therefore, claims 19, 21-22, 24, 32, 37, 41 and 44-47 are pending and are under active consideration.

Claims 19, 21-22, 24, 32 and 37 have been allowed.

Claim 47 stands rejected under 35 U.S.C. 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." In support of the rejection, the Patent Office states the following:

The phrase "wherein each of said cross-links lies flush on one side with said first and second side members" is inaccurate, vague and indefinite. It is not clear how the cross-links lies flush on one side with said first and second side members if it is already asymmetrically bisecting (to divide into two usually un-equal parts) said first and second side members.

Applicants respectfully traverse the subject rejection. Without acquiescing in the propriety of the rejection, Applicants have amended claim 47 so that it no longer recites the asymmetric bisecting language and instead recites that, amongst other things, each of the cross-links has a first edge that lies flush with the first and second side members and a second edge that does not lie flush with the first and second side members. Applicants respectfully submit that claim 47 is definite.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 41 and 44-47 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Cooper (6,173,836) in view of the admitted prior art of record in the instant specification as shown in figures 1-6 embodiments." In support of the rejection, the Patent Office states the following:

Cooper discloses a length of continuously connected fastener stock comprising: a first and second side members (107 & 109) wherein said first and second side members are generally circularly shaped with a pair of flattened surfaces in transverse cross-section (see figures 6c & 6b); and a plurality of cross-links (105) interconnecting said first and second side members; wherein said first side member is shaped to extend transversely beyond said cross-links with an arcuate surface, and each of said plurality of cross-links asymmetrically bisecting said first and second side members. Cooper does not appear to disclose the cross-links having a flat surface and an arcuate surface. As admitted by applicant cross-links that have both a flat surface and an arcuate surface are well known in the art. (Figures 1-6 embodiment of the instant application). Therefore, with respect to the shape of the cross-links it would have been an obvious matter of design choice to modify the shape of the cross-links in view of the teaching of the admitted prior art of record in the instant specification and since such a modification would have involved a mere change in shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Applicants respectfully traverse the subject rejection. As explained in the present application (see text spanning the paragraph bridging pages 1 and 2 through the first paragraph of page 4), plastic fasteners are typically produced in one of two different types of assemblies. One such type of assembly is a clip-type assembly and comprises a plurality of fasteners **arranged in a spaced, side-by-side orientation**, with the respective first cross-bars **parallel** to one another. This type of assembly is typically made by injection molding. Another type of fastener assembly is known as continuously connected fastener stock and is typically formed from **two elongated, uniform, continuous side members** coupled together by a plurality of cross-links or is formed from pluralities of cross-bars (or cross-bars and paddles) joined together in an **end-to-end** orientation. This type of assembly is most often made by a rotary extrusion technique.

In view of the above, it can readily be appreciated that clip 101 of Cooper does not represent the claimed “continuously connected fastener stock,” but rather, represents a fastener clip. This is apparent not only from the fact that Cooper refers to its assembly as a “clip” but also from the fact that the ends 109 of Cooper are not arranged **end-to-end** or as part of a **uniform structure**, as would be the case in continuously connected fastener stock, but rather, are arranged in a **spaced, side-by-side, parallel orientation**, as is typically the case for a clip. Consequently, one of ordinary skill in the art would not have regarded the spaced-apart plurality of Cooper knobs 107 as constituting a side member of continuously connected fastener stock, let alone a side member of continuously connected fastener stock that is generally circular in transverse cross-section.

By contrast, Figs. 1 through 6 of the present application are directed at continuously connected fastener stock made by the rotary extrusion technique. As explained in previous correspondence with the Patent Office, fastener assemblies of the clip variety cannot currently be made by rotary extrusion. Consequently, one of ordinary skill in the art would not have been motivated to modify the shape of a filament in a clip assembly to resemble the shape of a filament in continuously connected fastener stock.

Furthermore, with respect to claim 44 (and, by dependency, claims 45-46), Applicants respectfully submit that Cooper additionally fails to teach or to suggest a plurality of cross-links that **asymmetrically** bisect the first and second side members. This is because the filaments of Cooper **symmetrically** bisect their respective cross-bars 109 and knobs 107.

Finally, with respect to claim 47, Applicants respectfully submit that Cooper also fails to teach or to suggest, amongst other things, a pair of side members including a first side member that is generally circular in transverse cross-section and a plurality of cross-links, wherein each of the

cross-links has a first edge that lies flush with the first and second side members and a second edge that does not lie flush with the first and second side members.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Kriegsman & Kriegsman

By: Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
30 Turnpike Road, Suite 9
Southborough, MA 01772
(508) 481-3500

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December, 26, 2006

Edward M. Kriegsman
Edward M. Kriegsman
Reg. No. 33,529
Dated: December 26, 2006